THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8184 of 2003

DATED:10.03.2006

Between:

B. Menaka ..Petitioner

And

The District Collector, Chittoor. And others. ..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.8184 of 2003

ORDER:

The petitioner along with her sister filed W.P.No.3247 of 1997, questioning the proceedings, dated 14.08.1996, issued by the Superintending Engineer, Public Health Department, Nellore, entrusting the work of laying pipe line to the Contractor. It is her case that the land admeasuring about Acs.10.00 in Survey No.1 of Mangalam Village, is owned by her father by reason of a ryotwari patta granted in his favour and that without due process of law, the work is being taken up by digging canals for the improvement of water supply scheme. In the said writ petition, the Executive Engineer, the Superintending Engineer of Public Health Department and the District Collector, Chittoor, were arrayed as party respondents. A counter-affidavit was filed denying the title of the petitioner's father. It was also averred that if the petitioner is the owner of the property, necessary proposals will be initiated under the Land Acquisition Act, 1894 ('the Act', for brevity). Taking this into consideration, this Court disposed of the writ petition on 05.11.1997, observing that the Government should initiate proceedings under the Act and that if ultimately it is found that the Government is the owner of the land, the petitioners would not be entitled for any compensation.

After the judgment of this Court in W.P.No.3247 of 1997, the District Collector, Chittoor issued a notification under Section 4(1) of the Act proposing to acquire an extent of Acs.9.88 cents, in Survey No.1 of Mangalam Village, for construction of Filtration Plant to supply drinking water to Tirupathi town. Assailing the same, the petitioner again filed the present writ petition.

The petitioner seeks a writ of Mandamus declaring the action of the respondents in issuing the impugned notification describing the land as poramboke, as illegal and arbitrary and for consequential direction to treat the land as patta land.

The petitioner also filed a miscellaneous application seeking dispossession. This Court passed an order in W.P.M.P.No.10620 of 2003 on 26.04.2004. The

respondents then filed W.V.M.P.No.2369 of 2005 and when these petitions were listed before this Court on 23.02.2006, the matter was heard finally. Today also the matter is again heard.

In the counter-affidavit filed by the Mandal Revenue Officer, Tirupathi, the allegation that patta was granted to the petitioner's father is denied by making a reference to the judgment of this Court in W.P.No.6542 of 1983, dated 04.12.1987, and to the judgment of the Court of the I Additional Junior Civil Judge, Tirupathi, in O.S.No.164 of 1992, dated 29.03.1997. A categorical statement is made that the petitioner's father was not granted saswta patta on 15.03.1993 by the landholder. According to the counter-affidavit, though initially the Settlement Officer granted ryotwari pattas to some persons, in the appeals they were set aside and there are more number of settlement cases pending before the Settlement Officers.

After perusing the material placed before this Court and the judgment of this Court in W.P.No.3247 of 1997, it becomes clear that the petitioner has not placed any material before this Court in proof of the allegation that her father was granted patta by the landholder or by the Settlement Officer. Presumably for this reason, this Court earlier observed that if ultimately it is found that the land is Government land, the petitioner is not entitled for any compensation. In obedience to the orders of this Court, though notification was issued under Section 4(1) of the Act, the land was described as poramboke land. There is no infirmity in describing the land as poramboke land, and this writ petition is misconceived. It is always open to the petitioner to approach the Land Acquisition Officer to stake her claim.

The writ petition is accordingly dismissed. No costs.

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(V.V.S.RAO,J)

Dated:10.03.2006

GJ